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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,723	06/27/2003	Nelson F. Kidd	42P15966	6494
8791	7590	07/17/2006		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			EXAMINER FLEURANTIN, JEAN B	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,723

Applicant(s)

KIDD ET AL.

Examiner

JEAN B. FLEURANTIN

Art Unit

2162

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the application filed on 06/27/03, in which claims 1-18 are presented for examination.

The "response to notice to file missing parts" (10/03/03) is acknowledged.

Drawings

2. The Drawings (6/27/03) are acknowledged.

Specification

3. The disclosure is objected because of missing section: i.e., "Brief Summary of the Invention".
The Examiner suggests the applicant(s) to add a brief summary of the invention in order to overcome the objection.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC
(See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.

- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure, paragraph [0014], is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13-18 are rejected under 35 U.S.C. 112, first paragraph, because claims recite "storage medium" is not shown or described, whether, in the specification or the drawings.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13, lines 1-2, recites "a storage medium comprising content which, when executed by an accessing machine, causes the machine to implement an index agent in the accessing machine" it is unclear and "accessing machine" the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 7 and 13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As set forth in MPEP 2106:

Products may be either machines, manufactures, or compositions of matter.

A *machine* is “a concrete thing, consisting of parts or of certain devices and combinations of devices.” *Burr v. Duryee*, 68 U.S. (1 Wall.) 531, 570 (1863).

As per claim 1,

Claim 1, in view of the above cited MPEP section is not statutory, because “selecting at least a subset of the extracted entries to store based at least in part upon both a spacing between the entries in the index file” does not produce any useful and tangible result.

As per claim 7,

Claim 7, in view of the above cited MPEP section is not statutory, because “to select entries to store based at least in part upon both a spacing between the entries in the index file” does not produce any useful and tangible result.

As per claim 13,

Claim 7, in view of the above cited MPEP section is not statutory, because “the index agent to select entries to store based at least in part upon both a spacing between the entries in the index file” does not produce any useful and tangible result.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 6-7, 9, 12-13, 15 and 18 as best understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,697,801 issued to Eldredge et al., ("Eldredge") in view of U.S. Pat. No. 5,765,164 issued to Prasad et al., ("Prasad").

As per claim 1, Eldredge discloses "a method comprising parsing a received index file" (i.e., parsing and indexing text; see col. 3, line 16-17) "to extract one or more entries" (i.e., extracting entity; see col. 10, lines 5-7); and

"selecting at least a subset of the extracted entries" (i.e., retrieving (selecting) a first or lower level text entities; see col. 3, lines 31-35) "to store based at least in part upon both a spacing between the entries in the index file" (i.e., spacing between entities; col. 9, lines 1-6). Eldredge fails to explicitly disclose an amount of memory available for allocation. However, Prasad discloses an amount of memory available for allocation (see Prasad col. 8, lines 55-60).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Eldredge by an amount of memory available for allocation as disclosed by Prasad (see Prasad col. 8, lines 58-59 and Fig. 5). Such a modification would allow the method of Eldredge to provide a method for temporal indexing for storing and retrieval of multiple audio and video (see Prasad col. 3, lines 62-65), thereby improving the accuracy and the reliability of the method, apparatus and system for efficient file index.

As per claims 4, 9 and 15, in addition to claim 1, Eldredge further discloses parsing the play list to extract Universal Resource Indicators (URI's) (In light the specification at paragraph [0015], the purposed of using Universal Resource Indicators (URI's) is for identifying network locations where electronic music files (index files) are stored. The method for storing index files is disclosed by Eldredge col. 8, lines 55-66, specifically lines 63-66).

As per claim 6, in addition to claim 1, Eldredge further discloses "selecting at least a subset of the extracted entries" (i.e., retrieving (selecting) a first or lower level text entities; see col. 3, lines 31-35) "to store without a priori knowledge as to a number of entries within the index file" (In light the specification at paragraph [0037], lines 2-8, the purposed of storing a number of entries is based on a calculated spacing between index entries. The method for spacing between entities is disclosed by Eldredge col. 9, lines 1-6).

As per claim 7, Eldredge discloses "an electronic appliance" (In light the specification at paragraph [0014], lines 1-2, an electronic appliance represents any type of electronic appliance that stores index file as disclosed by Eldredge see col. 8, lines 55-57), comprising;

"a network interface to receive an index file" (i.e., interfacing to receive (store) index file; see col. 9, lines 24-29 and Fig. 1); and

"an index engine coupled with the network interface" (i.e., interfacing to receive (store) index file; see col. 9, lines 24-29 and Fig. 2);

"the index engine to parse the index file for entries" (i.e., parsing and indexing text (file); see col. 3, line 16-17) and "to select entries to store" (i.e., storing index values with the entities; see col. 10, lines 54-55) "based at least in part upon both the spacing between the entries in the index file" (i.e., spacing between entities; col. 9, lines 1-6). Eldredge fails to explicitly disclose an amount of memory available for allocation. However, Prasad discloses an amount of memory available for allocation (see Prasad col. 8, lines 55-60).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Eldredge by an amount of memory available for allocation as disclosed by Prasad (see Prasad col. 3, lines 28-37 and col. 8, lines 58-59 and Fig. 5). Such a modification would allow the system of Eldredge to provide a temporal indexing for storing and retrieval of multiple audio and video (see Prasad col. 3, lines 62-65), thereby improving the accuracy and the reliability of the method, apparatus and system for efficient file index.

As per claim 12, in addition to claim 7, Eldredge further discloses "selecting at least a subset of the extracted entries" (i.e., retrieving (selecting) a first or lower level text entities; see col. 3, lines 31-35) "to store without a priori knowledge as to a number of entries within the index file" (In light the specification at paragraph [0037], lines 2-8, the purposed of storing a number of entries is based on a calculated spacing between index entries. The method for spacing between entities is disclosed by Eldredge col. 9, lines 1-6).

As per claim 13, Eldredge discloses "a storage medium" (i.e., warehousing (storage medium); see col. 3, line 44) comprising "content which, when executed by an accessing machine" (i.e., executing instructions; see col. 3, lines 44-45), "cause the machine to implement an index agent in the accessing machine" (i.e., receiving index values; see col. 8, lines 30-33), "the index agent to parse the index file to extract entries" (i.e., parsing and indexing text; see col. 3, line 16-17), "the index agent to select entries" (i.e., retrieving (selecting) a first or lower level text entities; see col. 3, lines 31-35) "to store based at least in part upon both a spacing between the entries in the index file" (i.e., spacing between entities; col. 9, lines 1-6), and "the index agent to store the selected entries into the memory" (i.e., index values storing with the entities; see col. 10, lines 54-55).

Eldredge fails to explicitly disclose the index agent to receive an index file from a remote location in response to an event associated with a request and an allocation memory. However, Prasad discloses the index agent to receive an index file from a remote location in response to an event associated with a request (see Prasad col. 3, lines 28-37) and an allocation of memory (see Prasad col. 8, lines 55-60).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Eldredge by the index agent to receive an index file from a remote location in response to an event associated with a request and an allocation memory as disclosed by Prasad (see Prasad col. 3, lines 28-37 and col. 8, lines 58-59 and Fig. 5). Such a modification would allow the method of Eldredge to provide a method and apparatus for temporal indexing for storing and retrieval of multiple audio and video (see Prasad col. 3, lines 62-65), thereby improving the accuracy and the reliability of the method, apparatus and system for efficient file index.

As per claim 18, in addition to claim 13, Eldredge further discloses "causes the accessing to select entries" (i.e., retrieving (selecting) a first or lower level text entities; see col. 3, lines 31-35) "to store without a priori knowledge as to a number of entries within the index file" (In light the specification at paragraph [0037], lines 2-8, the purposed of storing a number of entries is based on a calculated spacing between index entries. The method for spacing between entities is disclosed by Eldredge col. 9, lines 1-6).

7. Claims 2-3, 5, 8, 10-11, 14 and 16-17 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,697,801 issued to Eldredge et al., ("Eldredge") in view of U.S. Pat. No. 5,765,164 issued to Prasad et al., ("Prasad") as applied to claims 1, 4, 6-7, 9, 12-13, 15 and 18 above, and further in view of Brent A. Miller et al., "Home Networking with Universal Plug and Play", pages 104-109, ("Miller").

As per claims 2, 8 and 14, in addition to claim 1, Eldredge fails to explicitly disclose parsing a play list received through Universal Plug and Play (UPnP) networked communication. However, Miller discloses parsing a play list received through Universal Plug and Play (UPnP) networked communication (see Miller page 104, col. 1, paragraph introduction – 2 and 3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Eldredge by parsing a play list received through Universal Plug and Play (UPnP) networked communication as disclosed by Miller (see Miller page 106, col. 1, paragraph

introduction – 2 and 3). Such a modification would allow the method of Eldredge to provide a mechanism for universal control (see Miller page 108, col. 2, last paragraph, lines 1-2), thereby improving the accuracy and the reliability of the method, apparatus and system for efficient file index.

As per claim 3, Eldredge further discloses “sorting the stored entries” (i.e., sorting the index; see col. 9, lines 26-28).

As per claims 5, 11 and 17 in addition to claim 4, Eldredge fails to explicitly issuing a Hyper Text Transfer Protocol (HTTP)-RANGE command to retrieve an URI not stored in the memory. However, Miller discloses issuing a Hyper Text Transfer Protocol (HTTP)-RANGE command to retrieve an URI not stored in the memory (see Miller page 104, col. 2, paragraphs 1-2).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Eldredge by discloses issuing a Hyper Text Transfer Protocol (HTTP)-RANGE command to retrieve an URI not stored in the memory as disclosed by Miller (see Miller page 106, col. 1, paragraph description to col. 2, last paragraph and Figs. 1 and 2). Such a modification would allow the method of Eldredge to provide a mechanism for universal control (see Miller page 108, col. 2, last paragraph, lines 1-2), thereby improving the accuracy and the reliability of the method, apparatus and system for efficient file index.

As per claim 10, Eldredge further discloses “sorting the stored entries” (i.e., sorting the index lexically (file); see col. 9, lines 26-28).

As per claim 16, Eldredge further discloses “sorting the stored entries” (i.e., sorting the index; see col. 9, lines 26-28).

Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Prasad et al., U.S. Pat. No. 5,627,936 relates method for indexing. Chen et al., U.S. Pat. No. 5,822,524 relates to methods for retrieval. Nunez, U.S. Pat. No. 6,625,596 relates to data retrieval. LaChapelle et al., U.S. Pat. No. 7,054,888 relates to the field of digital media content.

CONTACT INFORMATION

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571 – 272-4035. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571 – 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean Bolte Fleurantin

Patent Examiner

Technology Center 2100

June 8, 2006